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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,299	01/18/2002	Ted L. Bahns	10320US01	8720

7590 03/18/2005

Attention: Eric D. Levinson
Imation Corp.
Legal Affairs
P.O. Box 64898
St. Paul, MN 55164-0898

EXAMINER

MAYES, MELVIN C

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,299

Applicant(s)

BAHNS ET AL.

Examiner

Melvin Curtis Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

(1)

The indicated allowability of claims 2, 3 and 20 is withdrawn in view of the newly discovered reference(s) to EP 0 424 218. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

(2)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(3)

Claims 1-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henmi et al. 5,274,618 in view of EP 0 424 218 and FR 2 676 577.

Henmi et al. disclose a method of making an testing a stamper comprising: forming a stamper from a master disk; testing the stamper by testing analog audio signal and digital signal; and feeding the testing information back to the production line to solve problems in a short period of time (col. 1-5). Henmi et al. disclose forming the stamper from the master disc by nickel-plating by electroforming the master but do not disclose forming the stamper by coating the master disc with a release layer, coating a photopolymer on a stamper substrate, contacting the photopolymer with a release layer, curing and separating the photopolymer from the release layer.

EP 0 424 218 teaches that the conventional process of forming a stamper from a master disc by electroforming has the problems of too many steps and takes an unduly long time and increased production costs. EP '218 teaches that a process of producing a stamper with fewer steps comprises covering the master disk with a metal film; applying a liquid stamper-forming photopolymer, readily strippable from the metal film, onto the master disk; placing a glass disk onto the photopolymer to spread the photopolymer between the master disk and glass disk; curing the photopolymer; and separating the glass disk and photopolymer from the master disk (pg. 3-8).

FR 2 676 577 teaches that in making pressing molds (stampers) from a master disc, the operation can be repeated as many times as desired in order to obtain as many successive pressing molds (stampers), each being able to allow the separate manufacture of final discs (pg. 3, first paragraph).

It would have been obvious to one of ordinary skill in the art to have modified the method of Henmi et al. for making and testing a stamper by forming the stamper from the master disc by covering the master disk with a metal film (release layer), applying a liquid stamper-forming photopolymer readily strippable from the metal film onto the master disk, placing a glass disk onto the photopolymer to spread the photopolymer between the master disk and glass disk, curing the photopolymer, and separating the glass disk and photopolymer from the master disk, as taught by EP '218 to provide a process of making a stamper having fewer steps and less production cost than the conventional process using electroforming. By applying the photopolymer on the metal film and placing a glass disk to spread the photopolymer, the photopolymer is contacted with a release layer and coated on a disk substrate, as claimed. By

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forming as stamper, as taught by EP '218, and testing the stamper, as disclosed by Henmi et al, a first generation check disk is obviously made from a master and tested, as claimed.

It would have been obvious to one of ordinary skill in the art to have further modified the method of Henmi et al. by producing multiple first generation stampers from the master disk, as taught by FR '577, as desired to obtain many stampers to allow separate manufacture of final discs. By forming and testing a stamper for providing information back to the production line to solve problems in production, as disclosed by Henmi et al., the stamper being made by the method as taught by EP '218, and then making multiple stampers from the master disk, as taught by FR '577, a stamper is obviously made which functions as a first generation check disk for testing, as claimed, for providing information to the production line for production of subsequent first generation stampers from the master disk, as claimed. It would have been obvious to one of ordinary skill in the art that, if the testing information from the stamper indicates problems, to solve the problem in the production line by creating a different master from which the stampers can be made, as claimed, whereas if the testing information indicates no problems, to continue to make stampers from the master disc, as claimed, to allow for separated manufacture of final discs, as suggested by FR '577.

(4)

Claims 14-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 18 above, and further in view of Hong 5,688,447.

Hong teaches that creation of optical disks involves checking the master for accuracy, making a generation of stampers for the various disc generations and making optical discs by injection molding or rolling bead process (col. 1, line 37-11).

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It would have been obvious to one of ordinary skill in the art to have modified the method of the references as combined by creating a second generation stamper from the stamper and making optical disk from the second generation stamper by injection molding or rolling bead process, as Hong teaches that stampers of various generations are made from a master for making optical disc by injection molding or rolling bead process. Making optical disc from a first generation, second generation or subsequent generation stamper would have been obvious to one of ordinary skill in the art as known for making optical disc from a master and stampers.

Conclusion

(4)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


(5)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
March 15, 2005